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BUREAU OF PLANT INDUSTRY
ADMINISTRATIVE NOTES AND NEWS



ANNOUNCEMENT

For the purpose of bringing to the attention of the officers and employees of the Bureau the more important changes in laws, Comptroller's decisions, Departmental and other rulings, as well as other administrative matters affecting the Bureau, it has been decided to issue at irregular intervals a news letter or circular in which information of the character indicated will be set forth in as clear and concise form as possible. These circulars will be prepared under the direction of the Chief of the Bureau, by W. F. Callander, as often as the material in hand will warrant. It is hoped that the information contained in these letters will be of assistance to Officers and others in the Bureau charged with executive or supervisory work.

EXHIBITS AT EXPOSITIONS, FAIRS, ETC.

In view of the numerous requests which are being received by the Bureau from organizations and associations of various kinds to make exhibits at expositions, congresses, land shows, fairs, etc., and of the doubtful legality of expending Department funds for work of this nature, it is believed that the following general policy should be adopted:

First: That the Bureau will not make exhibits at expositions, land shows, fairs, or other similar displays which involve the expenditure of funds not specifically appropriated for such purposes.

Second: That in cases where exhibition material is already available in the Bureau, it may be loaned to organizations and associations which are willing to defray all expenses of transportation to and from the place of exhibit, cost of installation, etc., and agree to be responsible for the material while out of the possession of the Department.

JUDGES AT EXPOSITIONS, LAND SHOWS, ETC.

The Bureau receives a good many requests from expositions, land shows and organizations carrying exhibits of various kinds for experts to act as judges of grains, fruits and other materials. The policy of the Bureau is to discourage attendance at such shows in the capacity of judges-

- (1) Because it is believed the time spent in the work does not, as a rule, bring a fair return to the Department.

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EXHIBITS AT EXPOSITIONS, FAIRS, ETC.

In view of the numerous requests which are being received by the Bureau from organizations and associations of various kinds to exhibit at expositions, fairs, shows, etc., and of the difficulty of extending Department funds for work of this nature, it is believed that the following general policy should be adopted:

First: That the Bureau will not make exhibits at expositions, fairs, shows, etc., or other similar displays which involve the expenditure of funds not specifically appropriated for such purposes.

Second: That in cases where exhibition material is already available in the Bureau, it may be loaned to organizations and associations which are willing to bear all expenses of transportation and from the date of exhibit, care of material, etc., and subject to be responsible for the material while out of the possession of the Department.

JUDGES AT EXPOSITIONS, FAIRS, SHOWS, ETC.

The Bureau desires to hold that judges of the exhibits at expositions, fairs, shows, etc., should be selected from among the officers and employees of the Bureau. It is hoped that the information contained in these letters will be of assistance to the officers and employees of the Bureau.

(1) Judges to be selected from among the officers and employees of the Bureau. It is hoped that the information contained in these letters will be of assistance to the officers and employees of the Bureau.

- (2) Because even with the fairest judging, some elements are dissatisfied.
- (3) Because the judge's action is sometimes used for advertising purposes and the name of the judge and the Department is quoted and cited in support of the thing advertised.
- (4) Because the work is for the most part of such a nature that its legality is open to question.

LETTERS OF INTRODUCTION FOR TRAVELERS ABROAD.

The Secretary at his discretion issues from time to time letters of introduction for travelers outside of the Department service going abroad for study or for other purposes. It is believed that recommendations for the issue of such letters should be made only after most careful consideration of the following points.

- (1) Character and standing of the party involved.
- (2) Nature of the specific returns to be made to the Department, either in the way of materials collected, or written information to be gathered and submitted in the form of a report.

In other words, no request for such a letter should be made on general grounds, but rather on the standing and character of the applicant and the services he is to render the Department.

INDEXES TO PUBLICATIONS.

In view of the recent confusion regarding the indexing of publications, the Committee on Publications of the Bureau has been instructed by the Chief of the Bureau as follows:

First: The Committee on Publications will decide, upon examination of manuscript, whether or not such manuscript actually requires an index. Publications of a comparatively few pages containing a good table of contents hardly need to be indexed.

Second: The Committee on Publications will, furthermore, determine from the nature of the manuscript whether it is sufficiently technical to warrant the Bureau officials in blocking out the index, or whether the nature of the material is such that the index can be blocked out and prepared by the Division of Publications.

The Chief of the Division of Publications will act upon the recommendations of the Chief or Acting Chief of the Bureau regarding these matters, and it is for the guidance of the Chief and Acting Chief of the Bureau that the recommendations of the Committee on Publications are desired.

LIQUIDATED DAMAGES.

Attention is called to one or two recent cases where the liquidated damage clause in contracts has been enforced against contractors who have been doing work for the Bureau. In one instance where a contract was let for the construction of certain cases, a provision was inserted in the formal contract that for each and every day after a certain time (20 days) the contractor should forfeit \$5 as liquidated damages. The time given the contractor for completing the work was very short, making it almost impossible for him to carry out his contract within the time specified.

The Solicitor holds in such cases that the Secretary is powerless to waive this provision after the damages have accrued, and the result was that the contractor forfeited a large portion of the contract price. The Secretary has power, however, to extend the time before the damages accrue.

It is important in such cases that sufficient time should be allowed the contractor to do his work properly and those who are having work done by contract should see that a reasonable time is allowed when requesting the preparation of such contracts.

LEAVE OF ABSENCE.

Permanent employees in Washington may be granted 2-1/2 days annual and 2-1/2 days sick leave for each month of service rendered. A permanent employee who works the entire calendar year may be granted 30 days annual leave and in addition 30 days sick leave in exceptional and meritorious cases, where to limit the annual leave to 30 days in any one year would work peculiar hardship. If an employee takes leave without pay for one month, his annual and sick leave does not accrue during that month, and he can only be granted 27-1/2 days annual leave, and 27-1/2 days sick leave. Then for every month of leave without pay taken, 2-1/2 days is deducted from the 30 days annual and 30 days sick leave which an employee may be granted during the year.

Field employees may be granted 1-1/4 days annual and 1-1/4 days sick leave for each month of service. So for one month without pay, 1-1/4 days are deducted from annual and sick leave, which is 1 day for every 24 days taken without pay.

In short, annual and sick leave does not accrue while an employee is on leave of absence without pay.

To give a concrete case, in January of this year one of our employes made application for 21 days of annual leave (Jan. 23 to Feb. 15, inclusive) and 87 days of leave without pay (Feb. 16 to May 13, inclusive), in order to attend college. As he signed a statement to the effect that he intended to return to duty at the expiration of this leave without pay and serve the rest of the year, he was granted the 21 days annual leave, as well as the 87 days without pay. At the end of that time he had his leave without pay extended for 18 days, until the end of May, making a total of 105 days without pay.

In September this employe applied for, and was granted, 81 days more of leave without pay (Oct. 1 to Dec. 20 inclusive). This being granted him made a total of 186 days leave without pay, during which period leave did not accrue, so that for each month without pay we had to deduct 2-1/2 days from his annual leave. This left him entitled to 14-1/2 days annual leave for the calendar year. As he had already been granted 21 days annual leave during the early part of the year, he had overdrawn the annual leave which might be allowed him by 6-1/2 days, so that pay for 6-1/2 days had to be deducted from his salary for September, though he actually worked for the 6-1/2 days.

RECENT COMPTROLLER'S DECISIONS.

Use of a general appropriation for a particular object
when there is a special appropriation for
that purpose.

In the case of the Chestnut Tree Bark Disease appropriation, the Comptroller holds that the special appropriation of \$5,000 under the "Miscellaneous" appropriations of the Department for chestnut tree bark disease investigations does not prevent the use for the same purpose of the moneys appropriated under "General Expenses," (B. P. I.) "for the control of diseases of forest and ornamental trees."

What constitutes "Public buildings or public improvements."

Under date of April 16, 1907, the Comptroller, held that temporary glass structures or greenhouses, which could be taken down, moved and set up again as the work might require, could not be considered "public buildings or public improvements" within the meaning of Section 3733 of the Revised Statutes and that therefore they could be constructed under the general authority contained in the appropriation for "Purchase and Distribution of Valuable Seeds," where they were necessary for testing, propagating and experimenting with rare new seeds, bulbs, trees, etc., or under the authority contained in the appropriation for "General Expenses, B. P. I.," when necessary for the work provided for under that heading.

Section 3733 reads:

"No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose."

The Comptroller construes this section to have special reference to the erection, repair, and furnishing of new public buildings, and the making of new public improvements, and clearly contemplates that expenditures for these purposes shall be specifically appropriated for, and the new buildings or public improvements specifically authorized.

Under date of August 12, 1911, in the case of the proposed erection of a temporary shed to shelter the necessary farm animals and implements, and of a portable house of a temporary nature on land to be deeded to the Government in South Dakota, to be used in connection with investigations into the subject of dry land agriculture, the Comptroller held these structures were "public buildings or public improvements" and that therefore they come within the meaning of Section 3733 and that the appropriation "For the investigation and improvement of methods of crop production under semiarid or dry land conditions" under "General Expenses, B. P. I." is not available for the expense of erecting such structures.

Under date of August 30, 1911, in the case of the proposed construction of three greenhouses on leased land near Rockville, Md., used for a plant introduction garden, the Comptroller held that if the greenhouses were to be of the same character as those set forth in the statement of facts upon which the decision of April 16, 1907, was based, then the appropriation "General Expenses, B. P. I. 1912" would be available for their construction and they could not be considered "public buildings or public improvements."

The statement of facts upon which the Decision of April 16, 1907, was based is as follows:

"Greenhouses constructed 'by setting posts in the ground and nailing boards to these posts, thus securing protection against the weather. The rest of the structure is of light wood and glass. In the erection of other greenhouses a temporary brick wall is used and this wall is so made as to be easily removed and reerected, if necessary."

Under date of September 8, in case of the securing of drain tile for use on the Belle Fourche Experiment Farm from the

Reclamation Service by the transfer of funds, the Comptroller held that obtaining pipe, needed in a work authorized by law, from another bureau of the government, and having it placed on government land, could not be classed as a "public improvement" within the meaning of the statute; that the transaction would not amount to a purchase of the pipe; that it called for nothing more than the transfer from one department of the government to another of property and the like exchange of funds; that such a transaction was not a "sale" and the pipe would remain as before the property of the United States. He further stated:

"A proper distribution of water, in a arid or semiarid region, would certainly appear to be a necessary preliminary requirement for any successful experiment in or investigation of the soil possibilities of such a region, and the necessary pipe for obtaining such distribution not being elsewhere provided for, and its acquirement not being prohibited by law, I have the honor to advise you that, obtaining the same in the matter described, the cost thereof will be a proper charge against the appropriation "For investigations in connection with the utilization of lands reclaimed under the Reclamation Act and other areas in the arid and semiarid region." (Western Agricultural Extension)

Under date of September 26, 1911, in connection with the proposed grading of a portion of the Department grounds under the authority contained in the appropriation for General Expenses, B. P. I. 1912, (Experimental Gardens and Grounds) the Comptroller held that there was no authority under the appropriation in question to do the work, the grading being a "public improvement" and any contract therefor, in the absence of a specific appropriation authorizing the same, was expressly prohibited by section 3733 of the Revised Statutes. If the grading was to be done to aid in experiments, it would be proper; but for mere beautification it was in the nature of a "public improvement".

